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**OCT 02 2008**

**IN THE UNITED STATES PATENT**  
**AND TRADEMARK OFFICE**

Appl. No. : 10/577,970  
Applicant(s): Yukiko SUGIHARA et al  
Filed : May 3, 2006  
For : POLYSACCHARIDE-CONTAINING  
COMPOSITION AND TEAR FILM  
STABILIZING OPTHALMIC  
SOLUTION  
Art Unit : 1623  
Examiner : Jonathan S. LAU  
Docket No. : 06303/HG  
Customer No.: 01933  
CONFIRMATION NO. : 7540

**CERTIFICATE OF FACSIMILE  
TRANSMISSION**

TO NO. 571-273-8300

TOTAL PAGES: 12

I hereby certify this  
paper is being facsimile  
transmitted to the  
Commissioner for Patents  
on the date noted below.

  
Attorney: Herbert Goodman

Dated: October 2, 2008

In the event that this Paper  
is late filed, and the  
necessary petition for  
extension of time is not filed  
concurrently herewith, please  
consider this as a Petition  
for the requisite extension of  
time, and to the extent not  
tendered by Form PTO-2038  
attached hereto, authorization  
to charge the extension fee, or  
any other fee required in  
connection with this Paper,  
to Account No. 06-1378.

**RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.181(a) FOR**  
**THE WITHDRAWAL OF THE HOLDING OF ABANDONMENT BECAUSE OF**  
**NON-RECEIPT OF OFFICE ACTION**

**ATTENTION: SENIOR ATTORNEY PAUL SHANOSKI**  
**OFFICE OF PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**MAIL STOP PETITIONS**

Sir:

This is the renewal of the PETITION filed June 19, 2008,  
that the holding of abandonment be withdrawn because the Office

RENEWED PETITION PURSUANT  
TO 37 C.F.R. § 1.181(a) FOR  
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OF ABANDONMENT...  
Application SN 10/577,970

Customer No. 01933

Action dated November 13, 2007 was not received by the attorneys of record. Said PETITION set forth the background facts and provided evidence that the Office Action dated November 13, 2007 had not been entered into the permanent mail log in which all papers from the USPTO which require a response are logged. The DECISION ON PETITION dated August 4, 2008 did not question the evidence concerning the incoming mail log but stated the following:

"However, Petitioner has failed to either describe the docketing system that Petitioner has in place or establish that it is sufficiently reliable.

"Moreover, Petitioner has not provided a copy of the master docket for the firm, or state that no such master docket exists."

Senior Attorney Paul Shanoski is thanked for the supplemental information during a telephone conversation on September 25, 2008, that a description of the procedure used to docket the dates on which Office Actions and other papers received from the USPTO which require a response are docketed,

RENEWED PETITION PURSUANT  
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OF ABANDONMENT...  
Application SN 10/577,970

Customer No. 01933

and suggested that this description of the docketing procedure should be by the person making the docket entries. The attached DECLARATION OF SUBRINA DOOKIE dated October 2, 2008, the firm's docket clerk, is made a part hereof.

Mrs. Dookie's DECLARATION explains that she makes an entry of mail from the USPTO which requires a response in the incoming mail log which is a spiral notebook into which pages cannot be added (or replaced). She then enters the data in a page of an annual bound diary docket on the date in which the term for responding ends and enters the data in the firm's PATTSY computer docket system. The file is then given to the secretary of the attorney in charge of that application. At the end of each month, Mrs. Dookie generates "green" docket sheets from the PATTSY computer docket system which identifies all USPTO responses due during the following month for each attorney, and then cross-checks these green docket sheet entries against the daily entries in the diary docket for the same month. The "green" sheets are then given to the respective attorney's secretary.

RENEWED PETITION PURSUANT  
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OF ABANDONMENT...  
Application SN 10/577,970

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My secretary also maintains a non-permanent docket in which the term for responding to a USPTO paper is entered on a movable docket strip which identifies the application and the end of the response term date. These movable docket strips are maintained in a folder designed for maintaining said movable docket strips in due date order. When a Response has been transmitted to the USPTO, the strip is removed. The date on which the Response is transmitted to the USPTO is entered on the green sheet. If instead of responding, the application is abandoned or the term for responding is extended, this information is entered on the green sheet. The green sheets are returned to Mrs. Dookie at the end of the month and she enters the appropriate information in the PATTSY computer docket system and the diary docket.

The PETITION filed June 19, 2008, enclosed copies of the incoming mail log for the work days November 13, 2007 through February 13, 2008, as evidence that the Office Action mailed November 13, 2007 was not received in our office. Mrs. Dookie's DECLARATION states that after she makes the entries in the incoming mail log and in the annual bound diary, and that if the November 13, 2007 Office Action had been received, it would have been identified on the December 13, 2007 page of the annual bound

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OF ABANDONMENT...  
Application SN 10/577,970

Customer No. 01933

diary. A copy of said page is attached to Mrs. Dookie's DECLARATION. The application which is the subject of this RENEWED PETITION is not identified therein. Mrs. Dookie's DECLARATION also states that she would make an entry of the Office Action in the firm's PATTSY computer docket system, and that said docket system generates monthly "green" sheets for each attorney for USPTO matters having a response date during that month. Mrs. Dookie's DECLARATION attaches a copy of my "green" sheet for the month of December 2007. It does not identify our docket number 06303/HG. It is respectfully submitted that the foregoing establishes that the Office Action of November 13, 2007 was not received.

The present papers have been prepared taking into consideration the procedure and discussion set forth in MPEP 711.03(c)I.A. It is respectfully submitted that the present showing fully supports a decision to withdraw the holding of abandonment on the ground that the Restriction Requirement/Election dated November 13, 2007 was not received by applicants' attorneys. Such a holding is solicited. It is further respectfully submitted that the above-identified patent application has not been abandoned for an excessive period of

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THE WITHDRAWAL OF THE HOLDING  
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Application SN 10/577,970

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time before the filing of the present PETITION and accordingly, a Terminal Disclaimer is not required.

Since the Restriction Requirement/Election dated November 13, 2007 was not received by mail in the office of the undersigned, it is respectfully requested that a new Restriction Requirement/Election carrying a new Patent Office mailing date be issued by the USPTO.

It is further respectfully submitted that there should be no fee in connection with this Petition for Withdrawal of the Holding of Abandonment. However, if it is deemed that a fee is required, please charge any required Petition fee against Account No. 06-1378.

Favorable action on this Petition to withdraw the holding of Abandonment and to issue a new Restriction Requirement/Election is respectfully requested.

Respectfully submitted,



HERBERT GOODMAN

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**DECLARATION OF SUBRINA DOOKIE**

I am an employee of Frishauf, Holtz, Goodman & Chick, P.C.  
I am in charge of docketing mail from the USPTO for which there  
is a term for responding.

When mail from the USPTO is received, I check it and if  
there is a term for responding, I identify the document under the  
date in which it was received in our incoming mail log which is  
maintained in a spiral notebook. My entry identifies the  
application by setting forth the USPTO mail date; our firm docket  
number; the type of document; the name of the first named  
inventor; the application serial number; and the date when a  
response is due.